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tant, matters are taken into the account, the development of a Western type of jurisprudence is felt to have been almost inevitable.

Hitherto, (save for the brief period during which the West Coast Reporter was published during the early 80's), this system of law has had no voice for its expression save in the actual reports of cases and the volumes of the statutes. But the life of the law is certainly larger than the sum of law reports and statutes. It seems proper that some periodical should exist by means of which those who are engaged in the processes of law-making, whether as lawyers, or judges, or legislators, or writers, or teachers, may express themselves more freely or more extensively than they otherwise might do; some medium through which exchange of thought in regard to legal problems of local importance might be effected; some publication which should serve to record the history and development of our law. In a very modest way, it is the purpose of this Review to serve these wants. It is not expected that the Review will occupy a place by the side of the great national reviews of this country and of Europe, but it is hoped, that it may, in a slight degree, meet the needs of a constructive criticism of the legal problems presented in California and the other Pacific Coast States. It is its aim to approach these problems in a practical spirit. Aside from its purpose to afford an expression in legal matters to the critical and historical needs of the communities represented, the Review has no platform or thesis to maintain. Discussions of legal questions from all points of view will be welcomed.

The Review is published bi-monthly (six times during the year), by the faculty and students of the department of Jurisprudence of the University of California at Berkeley. The greater part of the credit for the publication of the first number and the establishment of the Review belongs to students. Without their earnest and enthusiastic efforts both in the editorial and business departments, and without their energy and devotion as a student body, the plan of publishing this Review would never have borne fruition. In particular, thanks are due to Mr. Warren H. Pillsbury, now of Cambridge, Mass., for his untiring and unselfish interest and efforts in the business of the Review.

O. K. M.

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## EDITORIAL NOTES

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### THE PROPOSED CHARTER OF LOS ANGELES COUNTY.

Los Angeles county is the first county in the State to take advantage of the opportunity of the measure of home rule offered by Section 7½ which was added to Article XI of the Constitution in October, 1911. A board of freeholders was elected under the provisions of that section and has prepared a county charter, which will be voted on at the election on November 5.

The freeholders seem to have gone to the full length allowed by the constitutional amendment. They have established a commission form of government for the county, concentrating the administration in the hands of the Board of Supervisors.

The supervisors are to hold office for four years and are to receive a salary of \$5000 a year. They are required to devote their time to the duties of their office. They are still to be elected by districts, and not by the county at large. In addition to the legislative and controlling power conferred by general law, the Board of Supervisors is authorized to appoint all non-elective county officials, deputies, assistants, and employees; to fix the number of justices of the peace and constables, and judges of such inferior courts as may be established by law; to fix the number and compensation of deputies, clerks, and employees in the several offices and institutions of the county; and to provide for the creation, filling, and compensation of other offices.

The appointive officials under the charter are clerk, auditor, recorder, registrar of voters, coroner, surveyor, road commissioner, fish and game warden, health officer, horticultural commissioner, live stock inspector, county counsel, public defender, public administrator, probation committee, probation officer, treasurer, tax and license collector, purchasing agent, superintendent of charities, civil service commissioners, library trustees, members of a board of education, superintendent of schools.

The only legal checks upon the Supervisors are (1) in the independence of the other elective officers, who are, however, only the sheriff, district attorney, and assessor; and (2) in the civil service provisions. The charter establishes a civil service board and sets forth a fairly complete scheme of civil service regulations. The county charter does not go as far as the proposed new Los Angeles city charter, which places all appointive officers and employees under civil service protection. The county charter provides for an unclassified and a classified service. It is only those in the classified service that must be appointed and removed only in accordance with the rules of the merit system. An effort is to be made to secure publicity by the provision that the Supervisors shall publish "a complete code of rules prescribing in detail the duties, and the systems of office and institutional management, accounts and reports for each of the offices, institutions and departments of the county."

The charter enlarges the scope of the general law governing the recall, and provides that "the holder of any elective or appointive county or township office may be recalled by the electors at any time after he has held his office six months." There are no charter provisions on the subject of the initiative and referendum, these matters being left to the general law.

The systems represented by the sheriff's office and the constables are consolidated under a "constabulary department," under the headship of the sheriff. The constables are to be appointed by the sheriff from the eligible civil service list and are made ex-officio deputy sher-

iffs. The sheriff is charged with organizing the constabulary department so as "to give the county effective police protection."

A special road commissioner, appointed by the Supervisors, takes over the direction and control of all work of construction, maintenance, and repair of roads, highways, and bridges.

The fee system is abolished. All officers, including justices of the peace and constables, must turn over all fees to the county treasury.

Like the proposed new charter for the City of Los Angeles, the proposed county charter establishes the office of public defender. This officer "shall defend, without expense to them, all persons who are not financially able to employ counsel and who are charged in the Superior Court with the commission of any contempt, misdemeanor, felony, or other offense. He shall, also, upon request, give counsel and advice to such persons in and about any charge against them upon which he is conducting the defense, and he shall prosecute all appeals to a higher court or courts, of any person who has been convicted upon any such charge, where, in his opinion, such appeal will, or might reasonably be expected to, result in a reversal or modification of the judgment of conviction. He shall, also, upon request, prosecute actions for the collection of wages and of other demands of persons who are not financially able to employ counsel, in cases in which the sum involved does not exceed \$100. . . . He shall, also, upon request, defend such persons in all civil litigation in which, in his judgment, they are being persecuted or unjustly harassed."

It is to be noted that both the county board of education and the superintendent of schools are to be appointed by the Supervisors. It is unfortunate that the constitutional amendment (§7½ of Article XI) did not go farther. It did emancipate counties electing to be governed by a freeholders' charter from the restrictions of §3 of Article IX, which requires that "a superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election." But it did not apparently relieve them from the necessity of conforming to §1768 of the Political Code, which provides that the Supervisors shall appoint four persons, at least three of them to be "experienced teachers," who together with the superintendent shall constitute the county board of education. It would have been more desirable to have left it open to the freeholders to provide, if they chose, for an elective lay board of education, who should appoint an expert superintendent.

The constitutional amendment (§7½ of Article XI), provides that incumbent officials shall not be disturbed in their offices by the adoption of a freeholders' charter. This causes delay in putting a new charter in execution, and is one of the things that should be remedied by further amendment. The Los Angeles charter is a concrete illustration of how great an improvement may be worked out locally over any county government act that can be framed at Sacramento. It behooves the legislature to submit a new draft of §7½, which will freely, and not haltingly, give to the counties opportunity to devise their own machinery of government, so that their affairs may be administered

economically and efficiently. This is as important to the State, in so far as its affairs are administered through county officers, as it is to the local community in respect to purely local concerns.

W. C. J.

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### THE PROPOSED NEW CHARTER OF THE CITY OF LOS ANGELES.

The new charter proposed for the City of Los Angeles is a notable document. The freeholders finished their work on October 3, and the charter will be submitted to the voters some time during November or December. If adopted, it will go into effect in July, 1913.

The four leading characteristics of the government proposed by the new charter are: (1) the distinction between charter and administrative code; (2) the complete adoption of the commission idea; (3) ultimate popular control; and (4) extension of the merit system.

(1) The aim of the freeholders was to confine the charter to an enunciation of organic provisions of the city government, and to provide an administrative code for less fundamental matters and the details of machinery. Obviously there is room for difference of opinion as to where structural provisions should end and procedural provisions should begin. Some matters have been included, for reasons of expediency, in the charter, which had better have gone into the administrative code. And some provisions have been reserved, for similar reasons, for the administrative code, which had better have been placed in the charter. But however we may differ on such details, the Los Angeles freeholders have made a significant attempt to discriminate between charter and code provisions, and they have given us a charter which is admirable for its brevity as well as for other things.

The charter provides that there shall be an "administrative code, which shall organize and put into operation and execution the several departments of the city government and such of the powers and functions of the city and of the departments, boards and officers thereof as may be desirable, and put into execution any or all of the provisions of this charter." It is provided that the freeholders who framed the charter shall prepare an administrative code not later than April 5, 1913; and that the city council shall submit the same to the voters, together with any alternative propositions put forward by initiative petition or by the council. Such administrative ordinances when adopted by the people, may be amended or repealed by the people, and only by the people. Alterations in the administrative code will not be subject to the formalities which are necessary in the case of amendments to the charter.

(2) The administration of the city is entrusted to seven commissioners elected at large, for a term of four years. One of them is to be elected as mayor, the six others without further designation of office. Together, the seven commissioners will form the governing body of the city, and will be known as the Commission. Individually,

each one will preside over a separate department, covering roughly one-seventh of the field of municipal administration. The mayor is to receive a salary of \$7000, and each of the other commissioners, \$6000 a year. The mayor will be the commissioner of public safety, while the other commissioners will, severally, manage the departments of public utilities, public works, harbors and transportation, finance, public welfare, and parks, libraries and recreation. To the mayor will fall the duty of assigning the six other commissioners to their respective departments. He may reassign them from time to time as the interests of the city demand. He will have power to distribute unallotted business to the several departments. The commission as a whole will have supervisory control over each department.

(3) As instruments of popular control, the initiative, referendum, and recall are provided. The recall is made applicable to the incumbent of every office, whether elective or appointive. The election provisions are reserved for the administrative code, and we cannot yet say how democratic they will be. It seems likely that alternative methods will be presented to the voters, one along the lines of the present Los Angeles, or Berkeley, plan for nonpartisan and majority choice of officials, and a second for proportional or minority representation. The determination of this question will be awaited with interest. The provisions authorizing the municipality to undertake any business that may be engaged in by private venture are indicative of the democratic spirit of the charter.

(4) The checks on an unqualified commission form of government lie in the election of a controller, the extension of the merit system, and the organization of a semi-independent efficiency bureau. The civil service board is to be appointed by the mayor, subject to confirmation by the commission; but the tenure of the members of the board will overlap that of the commissioners, being for six years, one member going out each year. The striking feature is the extension of the merit system to cover the whole administrative personnel of the city, by the declaration that all appointive officers and employees shall be selected from eligible civil service lists. Removals, suspensions, or reductions are subject to review by the civil service board. The controller and members of the civil service board constitute the bureau of efficiency.

The charter provides for the election of a board of education of seven members, but leaves every other question relative to the public schools to be governed by the provisions of the Political Code.

Among the noticeable innovations in the proposed city government is the provision for the office of public defender. The city prosecutor is offset by a public official whose duty it shall be to protect the poor and ignorant, when accused of crime, in the handicapped vindication of their rights. It is to be hoped that the introduction of this official into California will be amply justified by results.

W. C. J.